



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 11 2011

Mr. Jeffrey A. Myers, P.E., Director
Bureau of Water Assessment & Management
Division of Water, 4th Floor
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3502

Dear Mr. Myers:


This letter documents agreement between the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (EPA), Region 2 regarding NYSDEC's revised Nutrient Standards Plan. The original "mutually-agreed-upon" Nutrient Standards Plan was submitted by NYSDEC to EPA on September 29, 2004. This plan was subsequently updated in January of 2006, February of 2008 and in April of 2009. On July 7, 2011 NYSDEC submitted the most recent update of its original plan to EPA. EPA has reviewed NYSDEC's revised plan.

In the revised plan, NYSDEC provides a summary of the progress made to date and outlines how they expect to continue to move forward with nutrient criteria development. NYSDEC will first establish nutrient criteria, as guidance values, for rivers/streams and lakes/reservoirs. It is anticipated that guidance values for State's freshwaters will be proposed by the end of 2012 and adopted in 2013. NYSDEC may subsequently propose these values as standards in a future rulemaking. NYSDEC will then establish nutrient criteria, as guidance values, for estuaries in a second administrative action tentatively scheduled for 2014-2016.

NYSDEC should continue to provide annual progress updates to EPA. Based on these progress reports, EPA may recommend and NYSDEC may propose additional changes to the plan. In the event that NYSDEC significantly changes its plan, EPA will update this letter as appropriate.

We are very pleased with NYSDEC's progress as documented in the revised plan. We look forward to continuing to work with NYSDEC in the development of these nutrient criteria for New York State.

Sincerely yours,


Jeffrey F. Gratz, Chief
Clean Water Regulatory Branch

cc: Scott J. Stoner, M.S., Chief, Standards and Analytical Support Section, NYSDEC